

1600

JC10 Rec'd PCT/PTO 24 JAN 2002

DOCKET NO. SHI-015 USA-P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
M. KUROSAWA, et al.

Serial No.: 09/869,804

Art Unit: 15

Filed: July 5, 2001

Examiner: To Be Assigned

For: Two-Layer Makeup Cosmetic Composition

REQUEST FOR CORRECTED FILING RECEIPT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants' counsel is in receipt of the PTO Filing Receipt for the above identified pending patent application, a copy of which is attached hereto. Upon verifying the accuracy of the data presented on the Filing Receipt it was noted that there are errors in the title for this invention which were introduced by the Patent Office. As evidenced by the attached copy of the Transmittal, Declaration and Power of Attorney, and first page of the original specification which contains the title, the title should read "Two-Layer Makeup Cosmetic Composition", not "Double-layered makeup cosmetics.

It is respectfully requested that the Patent Office records be corrected to reflect the correct title and that the undersigned be provided with a corrected Filing Receipt.

Respectfully submitted,

TOWNSEND & BANTA

Donald E. Townsend

Reg. No. 22,069

Date: January 24, 2002

TOWNSEND & BANTA
Suite 500, #50028
1225 Eye Street, N.W.
Washington, D.C. 20005
(202) 682-4727



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20590

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO. | DRAWINGS | TECH CENTER | IND CLAIMS |
|--------------------|-------------|--------------|---------------|------------------|----------|-------------|------------|
| 09/869,804 | 09/24/2001 | 1615 | 990 | SHI-015- USA- | 1 | 4 | 1 |

Law Offices of Townsend & Banta
Suite 500
1225 Eye Street NW
Washington, DC 20005



CONFIRMATION NO. 8914

FILING RECEIPT



OC000000006958571

Date Mailed: 10/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mari Kurosawa, Kanagawa, JAPAN;
Tomoyuki Katsuyama, Kanagawa, JAPAN;
Teruhiko Hineno, Kanagawa, JAPAN;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/JP00/07775 11/06/2000

Foreign Applications

JAPAN 11-315972 11/05/1999

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

Double-layered makeup cosmetics

LICENSE FOR FOREIGN FILING UNDER
Titl 35, Unit d States Code, Section 184
Title 37, Code of Federal R gulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

Description

Two-Layer Makeup Cosmetic Composition

Technical Field

The present invention generally relates to a makeup cosmetic composition, and particularly to a two-layer makeup cosmetic composition containing a first layer foundation composition and a second layer finishing composition.

Background Art

Two-layer makeup cosmetic compositions are used not only for purposes of ordinary makeup, but are particularly useful for effectively concealing wrinkles, skin pores, coarse grains, and other blemishes of the skin.

Japanese Patent Application Laid-Open (*kokai*) No. 6-128122 discloses "a multi-layer cosmetic composition for concealing wrinkles, which composition contains a first layer makeup foundation composition including an adhesive substance and a second layer makeup-finishing composition including light-diffuse-reflecting powder" in relation to a multi-layer cosmetic composition for concealing wrinkles (hereinafter the composition may be referred to as the "conventional multi-layer cosmetic composition").

An adhesive substance is included in the first layer composition of the conventional multi-layer cosmetic composition, and thus permits the second layer makeup-

INTERNATIONAL APPLICATION NO.
PCT/JP00/07775

INTERNATIONAL FILING DATE
November 6, 2000

PRIORITY DATE CLAIMED
November 5, 1999

TITLE OF INVENTION

Two-Layer Makeup Cosmetic Composition

APPLICANT(S) FOR DO/EO/US

Mari Kurosawa, Tomoyuki Katsuvama and Teruhiko Hineno

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Claim for Priority

BEST AVAILABLE COPY

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but
international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE |
|---|--------------|--------------|------------|
| Total claims | 4 - 20 = | - 0 - | X \$18.00 |
| Independent claims | 1 - 3 = | - 0 - | X \$80.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$270.00 |

\$

\$

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 860.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
are reduced by 1/2.

\$

SUBTOTAL =

\$ 860.00

Processing fee of \$130.00 for furnishing the English translation later than ☒ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 130.00

+

TOTAL NATIONAL FEE =

\$ 990.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$

+

TOTAL FEES ENCLOSED =

\$ 990.00

Amount to be
refunded: \$
charged: \$

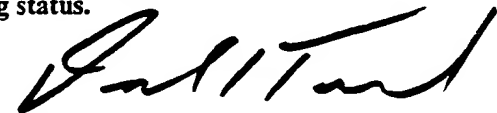
- a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 20-1424. A duplicate copy of this sheet is enclosed.
- d. ☒ The Commissioner is hereby authorized to charge \$990.00 to the
credit card identified in the attached Credit Card Payment Form.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

TOWNSEND & BANTA
1225 Eye St., N.W.
#50028
Suite 500
Washington, D.C. 20005

phone: (202) 682-4727



SIGNATURE:

Donald E. Townsend

NAME

22,069

REGISTRATION NUMBER

BEST AVAILABLE COPY

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Two-Layer Makeup Cosmetic Composition

The specification of which is ☐ attached and/or ☒ was filed on July 5, 2001 as Application Serial No. 09/869,804 and was amended on (if applicable) _____

☒ international (PCT) application No. PCT/JP00/4775 filed Nov. 6, 2000 and as amended on _____ (if any)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| COUNTRY | APPLICATION NUMBER | DATE OF FILING | PRIORITY CLAIMED UNDER 35 U.S.C. §119 |
|---------|--------------------|----------------|---|
| Japan | 11-315972 | Nov. 5, 1999 | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION NUMBER | DATE OF FILING | STATUS (Patented, Pending, Abandoned) |
|--------------------|----------------|---------------------------------------|
| | | |

I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Law Offices of Townsend & Banta: Donald E. Townsend, Registration No. 22,069;

Donald E. Townsend, Jr., Registration No. 43,198

Please address all correspondence to the Law Offices of Townsend & Banta, Suite 500, 1225 Eye Street, N.W., Washington, D.C. 20004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|--|--|---------------------------|
| FULL NAME OF SOLE OR FIRST INVENTOR KUROSAWA, Mari | INVENTOR'S SIGNATURE <i>Mari Kurosawa</i> | DATE 2001/08/23 |
| RESIDENCE Kanagawa, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS c/o Shiseido Research Center (Shin-Yokohama), 2-1, Hayabuchi 2-chome, Tuzuki-ku, Yokohama-shi, Kanagawa 224-8558 Japan | | |
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY KATSUYAMA, Tomoyuki | INVENTOR'S SIGNATURE <i>Tomoyuki Katsuyama</i> | DATE 2001/08/23 |
| RESIDENCE Kanagawa, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS c/o Shiseido Research Center (Shin-Yokohama), 2-1, Hayabuchi 2-chome, Tsuzuki-ku, Yokohama-shi, Kanagawa 224-8558 Japan | | |

Listing of Inventors Continued on Page 2 hereof. ☒ Yes ☐ No

BEST AVAILABLE COPY

LAW OFFICES OF TOWNSEND & BANTA • WASHINGTON, D.C.

Listing of Inventors Continued from Page 1 of Declaration and Power of Attorney for invention entitled:

Two-Layer Makeup Cosmetic Composition

FULL NAME OF THIRD JOINT INVENTOR, IF ANY

HINENO, Teruhiko

INVENTOR'S SIGNATURE

Teruhiko Hineno

DATE

2001/05/23

RESIDENCE

Kanagawa, Japan

CITIZENSHIP

Japanese

POST OFFICE ADDRESS c/o Shiseido Research Center (Shin-Yokohama), 2-1,
Hayabuchi 2-chome, Tsuzuki-ku, Yokohama-shi, Kanagawa 224-8558 Japan

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF NINTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF TENTH JOINT INVENTOR, IF ANY

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

BEST AVAILABLE COPY